

REMARKS/ARGUMENTS

The Applicants have carefully considered this application in connection with the Examiner's Final Action and respectfully request reconsideration of this application in view of the foregoing amendments and following remarks.

The Applicants originally submitted Claims 1-20 in the application. In previous amendments, the Applicants amended Claims 1, 8 and 15. In the present response, the Applicants amend Claims 1-3, 8-10 and 15-17 without prejudice or disclaimer. Accordingly, Claims 1-20 are currently pending in the application.

I. Rejection of Claims 1-20 under 35 U.S.C. § 103

The Examiner has rejected Claims 1-3, 7-10 and 14 under 35 U.S.C. § 103(a) over U.S. Patent Application No. 2002/0073084 to Kauffman, *et al.* in view of U.S. Patent Application No. 2003/0229893 to Sgaraglino; Claims 4 and 11 under 35 U.S.C. § 103(a) over Kauffman and Sgaraglino, in further view of U.S. Patent No. 6,256,554 to DiLorenzo; Claims 5 and 12 under 35 U.S.C. § 103(a) over Kauffman and Sgaraglino, in further view of U.S. Patent No. 6,144,944 to Kurtzman, II (hereinafter Kurtzman); Claims 6 and 13 under 35 U.S.C. § 103(a) over Kauffman and Sgaraglino, in further view of U.S. Patent Application No. 2001/0044855 to Vermeire, *et al.*; Claims 15-17 under 35 U.S.C. § 103(a) over Kauffman and Sgaraglino, in further view of U.S. Patent Application No. 2002/0046279 to Chung; and Claims 18, 19 and 20 on the same basis as Claims 4, 5 and 6, respectively, in combination with Chung. The Applicants respectfully traverse the rejections, because the cited combinations fail to teach or suggest each and every element of the respective Claims.

Independent Claim 1, *e.g.*, includes the limitation, “remote players configured to store media for playback according to corresponding playback rules, to store advertisements for playback according to corresponding advertising schedules, and to store information corresponding to playback of said media and advertisements in as-run logs.” The combination of Kauffman and Sgaraglino, as applied by the Examiner, fails to teach this element. Furthermore, the Applicants do not find any suggestion of the limitation within the references or the knowledge of one of ordinary skill in the art. Because the combination does not teach or suggest each and every element of the Claim, the *prima facie* case of obviousness fails, and the Claim is allowable. Independent Claim 8 is nonobvious and allowable by analogous argument.

Independent Claim 15 also includes the recited limitation. The Examiner cites Chung for teaching a skin server storing and delivering skins. (See Examiner's Action, page 7.) But the Applicants find no teaching or suggestion within Chung that cures the deficiency of the combination of Kauffman and Sgaraglino. Therefore, the cited combination fails to teach or suggest each and every element of Claim 15, and the Claim is allowable.

The Examiner rejects Claims 4, 5, 6, 11, 12, and 13 over the combination of Kauffman and Sgaraglino in further view of DiLorenzo, Kurtzman, or Vermeire, and Claims 16-20 over the combination of Kauffman, Sgaraglino and Chung in further view of DiLorenzo, Kurtzman, or Vermeire, as recited above. Each of DiLorenzo, Kurtzman, and Vermeire, as applied by the Examiner, fails to cure the deficiency of the combination of references with which each is combined.

The Applicants further find no suggestion within these references of the limitation recited above. Thus, the *prima facie* case of obviousness of Claims 4, 5, 6, 11, 12, 13, and 16-20 fails.

Accordingly, Claims 1-20 are allowable over the cited references as applied by the Examiner. The Applicants therefore respectfully request that the Examiner withdraw the rejection of Claims 1-20 under 35 U.S.C. § 103.

II. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-20.

It is not believed that any fees are due regarding this matter; however, the Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 08-2395.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,
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